


State of Vermont Agency of Human Services Department of Corrections	HOME DETENTION		Page 1 of 7
Chapter Classification and Case Planning	INTERIM PROCEDURE	NEW	
Attachments, Forms & Companion Documents: <ol style="list-style-type: none"> 1. Request for Review for Home Detention 2. Notice to Court of Home Detention Revocation 			
Local Procedure(s) Required: Yes; intake process for local field site (see section 2a). Applicability: All staff (including contractors & volunteers) Security Level:"B" - Anyone may have access to this document.			
Approved: <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="text-align: center;">  _____ Andrew A. Pallito, Commissioner </div> <div style="text-align: center;"> June 24, 2010 Date Signed </div> <div style="text-align: center;"> July 1, 2010 Date Effective </div> </div>			

PURPOSE

The purpose of this Interim Procedure is to provide direction for Department of Corrections staff as it pertains to offenders referred to the Home Detention Program.

POLICY

It is the policy of the Vermont Department of Corrections to supervise persons in its custody in the least restrictive environment consistent with public safety and offense severity.

AUTHORITY

13 V.S.A. § 7554b

REFERENCE

Department Policy #410 *Due Process*; Department Administrative Directives #407.03 *Unauthorized Absence From Furlough or Conditional Reentry*, and #410.02 *Violations of FR/CR/PAF*.

DEFINITIONS

Electronic Monitoring: Any electronic device or technology that automates, replicates, or supports supervision tactics that would normally require direct staff presence or resources.

Escape: Any action by the offender, which leads Corrections' employees to believe the offender intends to absent him or herself from state custody or supervision.

Home Detention: A program of confinement and supervision that restricts a defendant to a pre-approved residence continuously, except for authorized absences, and is enforced by appropriate means of surveillance and electronic monitoring by the Department of Corrections.

Defendant: A person who has been charged with a criminal offense and who is subject to criminal court proceedings.

PROCEDURAL GUIDELINES

Home Detention is a program of confinement and supervision that restricts a defendant to a pre-approved residence continuously, except for authorized absences, and is enforced by appropriate means of surveillance and electronic monitoring by the Department of Corrections, as defined by statute. This form of supervision is designed for detainees who have traditionally remained incarcerated for lack of bail. The status will provide the Department and the Court an alternative way to address this population in the least restrictive environment, while taking into account public safety.

1. Referral Process

- a.** The referral for Home Detention may come from the defendant and/or their attorney. The other referral comes from the Department.
 - i. Department Referral:** All offenders who are currently under field supervision by the Department of Corrections and have been incarcerated for a new offense or a violation of probation will be reviewed by the assigned Facility Caseworker for Home Detention status if they have been detained for more than seven (7) days in a correctional facility for lack of bail. The Facility Caseworker will need to contact the assigned Probation Officer to determine if the defendant is appropriate for Home Detention.
 - ii. Defendant Referral:** If the Department receives a referral from the Court for a defendant's request for Home Detention, the Facility Caseworker will notify the field site responsible for the area where the defendant's residence is located. Field and facility staff will work together to determine if the defendant is appropriate for Home Detention.
 - b.** In determining appropriateness, the co-case managers will take into account all of the following:
 - i.** The nature of the offense(s) with which the defendant is charged;
 - ii.** The defendant's current convictions;
 - iii.** The defendant's prior convictions;
 - iv.** The defendant's history of violence;
 - v.** The defendant's medical and mental health needs;
 - vi.** Their history of supervision;
 - vii.** Their risk of flight; and
 - viii.** Any risk or undue burden to other persons who reside at the proposed residence, or risk to third parties or to public safety that may result from such placement.
- 2.** If the co-case managers determine that the defendant would be appropriate for Home Detention status, the Probation Officer will notify the Home Detention Supervisor (see 5b) of the recommended review.

3. The Home Detention Program Supervisor will review the case.
 - a. If the Program Supervisor determines that the defendant is an appropriate candidate for Home Detention, the Probation Officer will submit a *Request for Review for Home Detention (Attachment 1)* to the Court.
 - b. If the Program Supervisor determines that the defendant is not appropriate for Home Detention, they will notify the co-case managers.
4. The *Request for Review for Home Detention* must provide the following information:
 - a. Current offense with which the defendant is charged;
 - b. Proposed address of the residence for placement on Home Detention, with a land line telephone (no cell or digital); and
 - c. If employed, the name and address of the employer.

5. Home Detention Supervision

a. Intake

District Managers will set up a process for the intake of defendants on Home Detention Status which will include, but not be limited to, the following:

- i. Updating or adding the defendant's information (e.g., address, charges, etc.), taking a digital photo;
- ii. Explanation of electronic monitoring devices assigned to the defendant, that will assist in the supervision and monitoring of court conditions;
- iii. Defendant's acknowledgement and signature on the electronic monitoring contract which is provided by the electronic monitoring vendor;
- iv. Review of the approved schedule imposed by the Court;
- v. Explanation of the role of the Probation Officer and supervision;
- vi. Entering an electronic case note outlining the index offense(s), the detainee's status, and approved absences.

b. Supervision

- i. The District Manager will designate a supervisor who will be responsible for the Home Detention Program in their field site.
- ii. Community Corrections Officers (CCOs) will be responsible for the day-to-day supervision of detainees on home detention. The CCOs are responsible for providing surveillance through the use of electronic monitoring.
- iii. The Home Detention Program Supervisor is responsible for:
 - a.) Any Court hearings that are required;
 - b.) Approving any changes to the Court-approved schedule;
 - c.) Ensuring a daily check of the defendant's compliance with the electronic monitoring;
 - d.) Approving any revocations of a defendant's Home Detention status.
- iv. Field contacts will be in response to notifications or discoveries of violations from electronic monitoring, or when other information is discovered during the course of supervision.

6. Electronic Monitoring

All defendants on Home Detention will be monitored by GPS or other location-monitoring devices. If there is a “no alcohol condition” as directed by the Court, then alcohol monitoring devices will also be used.

7. Response to Violating Behavior

- a. If through the course of supervision the defendant violates a condition of their Home Detention, Department staff may revoke the defendant’s Home Detention Status and return the defendant to the custody of a correctional facility.
- b. Whenever possible, taking custody of the defendant should be conducted at the local field office. If it is not possible to take the defendant into custody at the field office, local law enforcement should be utilized in making the arrest.
- c. When lodging a defendant in a correctional facility, field staff will use the *Notice of Hearing Form* in accordance with Administrative Directive #410.02 *Violations of FR/CR/PAF* as lodging paperwork.
- d. The defendant will have the right to a due process hearing in accordance with Administrative Directive #410.02 *Violations of FR/CR/PAF*.
- e. If the defendant is found in violation at their due process hearing, the assigned field staff will complete the *Notice to Court of Home Detention Revocation* form (*Attachment 2*) and send it to the assigned Court. If the defendant is not found in violation of Home Detention, the defendant will be released back on Home Detention status.

8. Escape

If staff cannot locate the defendant, staff should place the offender on escape in accordance with administrative directive #407.03 *Unauthorized Absence From Furlough or Conditional Re-entry*.

9. Bail

The defendant may post bail while on Home Detention status. Bail will need to be posted at Court during Court hours. Field staff are not authorized to collect bail money. Once staff receives the official document from Court, then the defendant will be released from Home Detention status.

10. Documentation

All information regarding a defendant’s status and movement will be maintained with the DOC database applications system and offender file. The maintenance of electronic and paper files is critical for case management purposes and will be promptly recorded and maintained by both facility and field staff, as relevant.

TRAINING

1. The Field Services Executive shall ensure that all District Managers are trained in this Interim Procedure and will provide training on the use of electronic monitoring for all necessary field staff.
2. District Managers shall ensure that all appropriate staff is trained in this Interim Procedure.
3. The Director of Classification shall ensure that all appropriate staff is trained in the booking processes as it relates to Home Detention.
4. The Facility Superintendents shall ensure that all Living Unit Supervisors train casework staff on the referral process for the Home Detention program.

QUALITY ASSURANCE

Each Facility Superintendent and District Manager will ensure that:

1. The facility and field have assigned staff resources for purpose of referral, supervision, and data tracking of defendants who meet the criteria of Home Detention;
2. Communication occurs between the field office and the facility(s) regarding referrals and administrative tasks as it pertains to Home Detention status;
3. Staff monitor, track, and maintain a list of all eligible inmates who are to be referred and who have been released to Home Detention.

Central Office will:

1. Develop a mechanism to identify in the Department's database system defendants who may be eligible for the Home Detention Program. The system should be designed to prompt staff to submit needed information within the database to assess the short and long-term utilization and outcomes of the program.
2. Monitor the effectiveness of this new procedure, with an emphasis on developing needed supports or training to assist staff.
3. Develop performance measures to ensure compliance with this procedure and legislative mandate (process and outcome). The objective of such measures is to assess the effectiveness of the Home Detention Program in terms of reducing the need for future jail beds, saving money for the Agency of Human Services and taxpayers, and lowering crime rates.

ATTACHMENT 1 - SAMPLE**Vermont Department of Corrections
REQUEST FOR REVIEW FOR HOME DETENTION**

The Vermont Department of Corrections is requesting a review for Home Detention status for the below-named defendant. In making this request to the Court, the Department finds that the defendant meets the necessary criteria to be supervised on Home Detention status by the Department of Corrections.

Defendant:	Presiding Court:
DOB:	Date of Request:
Facility:	Charges:
Field Office:	Current Bail:
Probation Officer:	Facility Caseworker:

The defendant has proposed the following address if placed on Home Detention Status - (this residence must have a land line telephone):

The defendant has indicated the following employment information:

Name of Employer: _____
Name of Supervisor: _____
Current work Schedule: _____

Home Detention is a program of confinement and supervision that restricts a defendant to a pre-approved residence continuously except for authorized absence, and is enforced by appropriate supervision and electronic monitoring by the Department of Corrections. The Court shall authorize scheduled absences such as work, treatment, and education. Any changes in the schedule shall be solely at the discretion of the Department of Corrections. A defendant who is on Home Detention shall remain in the custody of the Commissioner of the Department of Corrections with conditions set by the Court.

If you are placed on Home Detention by the Court, the Department of Corrections may revoke your Home Detention status for an unauthorized absence, or failure to comply with any conditions of release set by the Court. A revocation of Home Detention status will result in a defendant being returned to a correctional facility.

Defendant's Signature

Date

DOC Staff Signature

Date

ATTACHMENT 2 - SAMPLE

NOTICE TO COURT OF HOME DETENTION REVOCATION

Defendant Name:

Court:

Probation and Parole Office:

This is notice to the Court that the above-named defendant has violated a condition(s) of Home Detention and has been returned to a correctional facility; and their Home Detention has been revoked by the Vermont Department of Corrections as authorized by Title 13 V.S.A. § 7554b(c).

The above was returned to _____ on _____.
Facility Name Date

The above has been found in violation of the following conditions of Home Detention:

The above was found in violation at their due process hearing held on:

Date of Hearing

Corrections Staff Name and Title

Signature and Date